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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 12636 OF 2025
IN
FIRST APPEAL NO. 1236 OF 2025**

Salma Aslam Memon

....Applicant

V/S

Abdul Sattar Khaliq Qureshi & Ors.

....Respondents

Adv. Sanjay Prabhu for Applicant

Adv. Umar A. Ansari for Respondent Nos. 2, 3 and 4.

CORAM : M. M. SATHAYE, J.

DATED : 13th NOVEMBER 2025

P.C.:

1. Heard learned Counsel for the parties.
2. This is an Application for bringing legal heirs of deceased Respondent No. 1 on record. The copy of the death certificate of the Respondent No. 1 is produced on record.
3. It appears that during the pendency of the suit, on 13/11/2024, the Applicant had filed an application at Exh. 33 making the same prayer, however, for the reason that application was not filed in prescribed form and for the reason of not specifying the legal heirs, the Application was simply filed and no order was passed.
4. Learned Counsel for the Applicant submits that the proposed legal heirs are already on record as the Respondent Nos. 2 to 4, who are widow and sons of the Respondent No. 1 and therefore the amendment is only

technical.

5. Learned Counsel for the Respondents, however, submitted that having herself applied for bringing legal heirs of the Respondent No. 1 in the suit itself, it has been unjustifiably mentioned in paragraph 3 of the application that the Respondent's Advocate has suppressed material fact.

6. Considering that the application was already made in the Suit and further considering that legal heirs are already on record, sufficient cause is made out. Delay, if any, in filing the Application is condoned.

7. The Application is allowed and the Applicant is permitted to carry out necessary amendment within a period three weeks, subject to condition of Applicant paying costs of Rs.5,000/- within a period of two weeks from today to the Respondent No. 2, who shall accept it on behalf of all other Respondents.

8. Interim Application is disposed of in above terms.

(M. M. SATHAYE, J.)